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TAGS: PGOV PHUM HK

SUBJECT: UNABLE TO ENGAGE THE HKSARG OR BEIJING,
PAN-DEMOCRATS BATTLE THEMSELVES

REF: HONG KONG 1750

Classified By: Acting Consul General Christopher Marut for Reasons 14(b)
) and (d)

¶11. (C) Summary: To date, with the exception of a boilerplate government press release calling on parties to make progress on reforms for the 2012 elections, the Hong Kong government and Beijing have not responded to the various proposals made by the pan-democrats on universal suffrage. The pan-democrats themselves are finding unity increasingly hard to maintain, with the Civics and League of Social Democrats (LSD) fixed on a "by-election as referendum" threat of which the smaller parties want no part. The Democratic Party (DPHK) is the bulwark for the others, and should they throw in with the Civics, the smaller parties will have to follow suit. Oddly, the Kam Nai-wai "sexual harassment" scandal, which has put the DPHK into exactly the wrong kind of media spotlight, may prove a blessing. Should Kam be forced to resign (at present, a distinct possibility), the need to run a by-election for his seat, which would be dominated by issues like public trust, may sink plans to run other candidates on more lofty political reform issues later on.
End Summary.

¶12. (C) Comment: The pan-democrats have two fundamental problems that will hobble their efforts to engage constructively on the next stages of democratic reform. First, the Civics' stubborn fixation on the "by-election as referendum" plan is threatening their ability to reach common ground with the mainstream pan-democrats, is dismissed by their critics as "trying to prove they can be more radical as the LSD," and is occasioning only criticism in the moderate independent media. The Civics are adamant that they will be able limit the electoral debate to the single issue of universal suffrage, while many of their fellow pan-democrats fear their opponents will push the election towards other issues to muddy the waters. Second and more important, with their opponents stubbornly refusing to enter the debate, the only coverage in the media is of the pan-democrats squabbling among themselves. In particular, Civic Party legislator Ronny Tong Ka-wah's public rejection of the referendum plan has put the Civics on the defensive. Meanwhile, their far more constructive plan to implement the transition to full universal suffrage, which the Civics put out two days after their plan on referenda (reftel) and which contains a number of elements which their opponents might find acceptable, has been almost lost in the shuffle. End Comment.

Single-, High- and Narrow-minded Purpose

¶13. (C) As reported reftel, the Civic Party laid out a "3-Stage Fight Plan for Universal Suffrage" September 6. One of the most important -- and most overlooked -- elements of this plan is that the Civics want most of all to negotiate with the Hong Kong government on universal suffrage. Only if

the government declines to negotiate a deal acceptable to the pan-democrats will they move on to stage 2, which is resignation by five pan-democrats, one in each of Hong Kong's geographic constituencies. Unfortunately, since it is that notion which ties them to the proposals of the radical League of Social Democrats (LSD -- normally the Civics' nemesis in the pan-democratic caucus), it is that idea which is grabbing media attention. In recent days, the Civics have been put on the defensive by one of their own, with founding member Ronny Tong Ka-wah rejecting the referendum plan as a repudiation of the Civics' founding principle of "striving for democracy from within the system."

¶4. (C) For their part, the barristers in the Civic Party leadership are standing their ground. If one is not willing to take risks, Legal Functional Constituency legislator Margaret Ng Ngor-yee told us, one should not be in politics. Besides, adds legislator and former candidate for Chief Executive Alan Leong Kah-kit, what would you have us do? "Should we wait for Beijing to present us with universal suffrage on a silver platter?" Tens of thousands marching in the street have not done the job, Leong argues. Leong told us he rejects Tong's criticism that the referendum represents an abandonment of "working within the system." Even if the Civics are pushed to their "stage 3" -- mass resignation by all twenty-three pan-democrats on July 1, 2011 -- there is nothing to stop them from staging a "comeback" in the 2012 regular Legislative Council elections. Clearly miffed, Leong also suggested Tong's dissension might become a matter of "party discipline."

¶5. (C) What the Civics envision is a single-issue

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by-election: Rejection of the "fake" democratic package they anticipate will be tabled by the government in favor of a true roadmap to universal suffrage. As Leong's sees it, individual candidates would not run under their party banners, and would themselves be almost faceless, in order to keep the focus on the issue. That said, when asked how he would respond if, in a candidate forum, one of his opponents tried to cast the election as about the minimum wage or other livelihood issues, Leong said he would point out that the Civic Party Platform addresses these issues. In any case, he stressed, isn't a fair political system the best way to address the economic inequities in Hong Kong society?

If the DPHK Falls...

¶6. (C) Following a pan-democratic caucus meeting September 25, the pan-dems took pains to stress that they would unite on universal suffrage and announced to the press that they would form a working group under pan-democratic caucus convener Cyd Ho Sau-lan to work on reaching a unified reform plan. Talking to us the next day, however, Confederation of Trade Unions (CTU) legislator Lee Cheuk-yan was pessimistic that the pan-democrats could unify. No one, he said, is strong enough to unify the caucus under his or her leadership. Lee sees the parties following their own agendas, with the Civics striving to be more radical than the LSD. Lee scorned the LSD's approach to the referendum, saying they would go to the ballot box to win support for their "cursing and banana-throwing."

¶7. (C) Lee told us the smaller parties -- CTU (one seat), the Association for Democracy and the People's Livelihood (ADPL - two seats) and the Neighbourhood and Workers' Service Center (NWSC - one seat) -- all oppose the referendum idea. While Lee told us he thought Cyd Ho supported the referendum, Ho herself told us she has not yet taken a position. Even if she does eventually support the referendum plan, Ho said she would not support all five legislators running simultaneously, since it would deprive the pan-democrats of their blocking minority. Health Services legislator and

independent democrat Dr. Joseph Lee Kok-long told the media that, if the other pan-democrats reached a consensus, he would consult with his constituents. Looking at the DPHK, Lee Cheuk-yan thought that, while DPHK Vice Chair Emily Lau Wai-hing was hanging tough, Chairman Albert Ho Chun-yan might cave in to the Civics and LSD as the path of least resistance. Under those circumstances, Lee said dejectedly, the smaller parties would have to fall in line, but it would be a false unity.

Where the DPHK Stands

¶18. (C) Whatever Lee's impression, DPHK Chair Albert Ho has publicly stood firm on the official DPHK position that the party will not make a decision on the referendum until they see the government's proposal. DPHK strategist Dr. Law Chi-kwong (protect) told us the Civics had blind-sided the DPHK. While there are those in the DPHK who support the referendum, Law said they were neither a majority nor as individuals very influential. Interestingly, he cited founder Martin Lee Chu-ming as supporting the referendum, but said Lee was no longer influential within the DPHK ranks. More important in Law's view is that neither the supporters nor the opponents of the referendum feel a decision needs to be taken now. DPHK Vice Chair Emily Lau corroborated this October 10, noting that any decision would be taken at the Annual General Meeting, for which no date has even been set. In the end, the decision for any individual to step down will be taken by the party as a whole, Law stated firmly. The incumbents do not own their LegCo seats, they belong to the DPHK.

¶19. (C) Regarding the actual 2012 reform package, Law thought that an improved version of the government's 2005 reforms (which were generally acceptable to the public and which some pan-democrats now rue opposing) would be difficult to oppose.

Should the government provide an acceptably renovated version of 2005, Law calculated "the blocking minority is already lost" -- at least three legislators in the pan-democratic camp will support the proposal. (Comment: Law did not name names. We would guess he means ADPL legislators Frederick Fung Kin-kee and Cheung Kwok-che, plus Dr. Joseph Lee. End Comment.) Even the DPHK would probably support such a package, but were reserving their options. Law felt the Civics made a mistake in laying out all their cards at once, rather than leaving themselves room to

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maneuver in negotiations.

Opponents Refuse to Fight

¶10. (C) For now, the pan-democrats are seeking a battle which their opponents have declined to join. The Liberals have not publicly expressed an opinion. The Democratic Alliance for the Betterment of Hong Kong (DAB) have limited themselves to a wry observation from Jasper Tsang Yok-sing that the referendum is a "brilliant device," since it will allow the government's (probably popular) proposal to pass while the pan-democrats are five votes down. The pan-democrats will then be able to claim they opposed the plan without actually having to take responsibility for vetoing it.

¶11. (C) The pan-democrats sent a politely-worded request for Chief Executive Tsang to enter into substantive discussions October 2. To date, the government has not publicly responded to that letter, but did respond to an October 4 "Letter to Hong Kong" broadcast by Civic Party Leader Audrey Eu with stock language urging everyone to focus on reforms for the 2012 elections.

Saved by a Scandal?

¶12. (C) What may end any consideration of going to by-elections on a single-issue agenda are allegations that freshman DPHK legislator Kam Nai-wai fired one of his staff after she declined his romantic advances. Kam has admitted improper (but not harassing) remarks to the staffer, but maintains he dismissed her in a fit of anger over another issue, which he has also repented. The DPHK have handled this unwelcome development with considerable prudence, calling on a respected local NGO to convene an independent inquiry into the incident. The DPHK also supported a LegCo decision to open an investigation by the Members' Interests panel (roughly analogous to a Congressional Ethics Committee) while recusing themselves from the conduct of the investigation. Kam himself has volunteered to cooperate with both investigations, but the offended party, who never wanted the issue made public, may not, which will hamper efforts to bring the issue to a close.

¶13. (C) Kam has said he is not going to resign, and despite rumors that some in the DPHK want Kam out, Chairman Albert Ho insists the DPHK supports Kam's staying in LegCo. That said, the media seems more focused on the "when" than the "if" on a Kam resignation, and both the DAB and the Liberals have said they are prepared to contest the seat Kam would vacate. The Civics' Alan Leong admitted to us that the issue could easily serve to disrupt the unitary focus on universal suffrage they had hoped to achieve.

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